

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Unit : 1647
Examiner : S. Turner
Applicant(s) : Gurney, Li, Pauley
Serial Number : 09/328,877
Filed : 06/09/99
For : Human SEL-10 Polypeptides and Polynucleotides that Encode Them

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J. Q.
4/7/01

Commissioner of Patents and Trademarks
Washington, DC 20231
Sir:

This is in response to the office action mailed 26 September 2000 in the above-identified application, the shortened statutory period for response being until 26 October 2000. A request for a five month extension of time for response is included herewith to extend the period for response to 26 March 2001.

Election

Group II is provisionally elected with traverse.

Traversal of the Restriction Requirement

The applicant asserts that the embodiments of the invention in the proposed groups are so interrelated as to be capable of search together without undue burden. With regard to Groups I and II, it is well known in the art that the publicly available databases for searching protein and nucleic acid sequences give as their search results both nucleic acid and predicted amino acid sequences. It follows then, that both a nucleic acid (Group I) and protein sequence (Group II) may be searched without any considerable duplicity of effort.

The examination of the single claim of Group III could only be accomplished with reference to the SEL-10 polypeptides. In light of the fact that only one claim is involved, it seems that such a search would involve little additional effort.

With regard to Group IV, the applicant points out that the examiner apparently agrees that the subject matter of claim 22 i.e. a eukaryotic host cell propagating a vector expressing SEL-10, is capable of search with claims directed to SEL-10 encoding nucleic acid molecules. It is logical then, that the

subject matter of Group IV, cell lines expressing APP (in whatever manner) concomitantly with SEL-10, would pose no additional difficulty in searching.

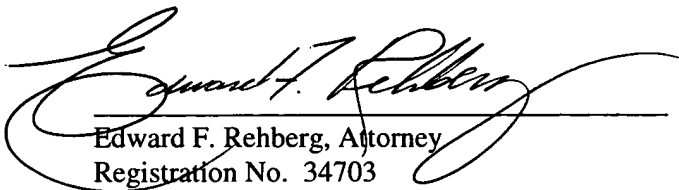
The applicant agrees with the examiner that the material of Group IV are "related as product and process of use. The applicant respectfully points that the subject matter of Group IV is so inexorably linked to the subject matter of Groups I and II that it could be examined with little additional effort. If the nucleic acids and polypeptides of group I and II are found to be novel and nonobvious under 35 U.S.C § 103(a), the applicants may be entitled rejoinder of the claims to methods of using that product. See 1184 OG 86, (1996). The Applicants hereby request that, if the product claims of Group I or II are allowed the Patent Office rejoin the method claims of Group IV. To facilitate efficient examination, the Applicant's request that the claims of Group II and IV be examined simultaneously. The small number of claims in Group IV and their relatedness to Group II or Group I suggest that there will be no serious burden involved.

Compliance With the Sequence Rules

The Biotechnology System Branch has noted that the sequence listing as filed contains n's . Enclosed please find the substitute computer readable form and revised printed output of the sequence listings as requested in the Office Action of 9/26/00.

All sequence ambiguities have been noted in annotation section(s) <220> to <223>. The sequence reported has not changed from the original submission. Therefore the information recorded in computer readable form is identical to the written sequence listing as originally filed

Respectfully submitted,


Edward F. Rehberg, Attorney
Registration No. 34703

Date: March 19, 2001

Pharmacia & Upjohn Company
Global Intellectual Property
301 Henrietta Street
Kalamazoo, Michigan 49001

Telephone No. (616) 833-7829 or (616) 833-9500
Telefax No. (616) 833-8897 or (616) 833-2316

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WDGAU 1647

PATENT/Docket No. 6142.N2 CP

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CERTIFICATE OF MAILING (37 CFR 1.8)

Date of Deposit with U.S. Postal Service: March 29, 2001

APR 02 2001

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

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Julie K. Lyons, Legal Assistant
Name of Person Mailing Paper

Julie K Lyons
Signature

#6
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Box Sequence

Art Unit : 1647
Examiner : S. Turner
Applicant(s) : ME Gurney, AM Pauley, and J Li
Serial Number : 09/328,877
Filed : 9 June 1999
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Commissioner of Patents and Trademarks
Washington, DC 20231

TRANSMITTAL OF A RESPONSE TO A NON-FINAL ACTION (37 CFR 1.111)

Sir:

Transmitted herewith is a reply and/or amendment in the above-captioned application in response to the Examiner's action dated September 26, 2000.

04/09/2001 678MMEL 0000004 010718 09328877
01 FC:128 1890.00
A reply and/or amendment is being filed under 37 CFR 1.8 and the required Certificate of Mailing appears above.

An additional fee in the amount of \$ is required for the amended claims presented and has been calculated as shown in the attached sheet.

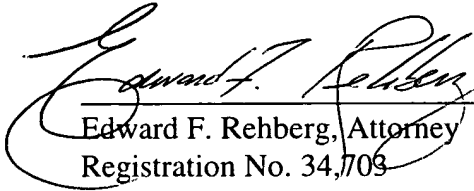
Please charge Deposit Account No. 21-0718 in the amount of the additional fee above, or such greater or lesser amount of excess fees for claims as the Commissioner determines is required by law. Triplicate copies of this sheet are enclosed.

EXTENSION OF TIME. In the event this paper is not filed prior to the time set for response, applicant(s) hereby petition for an extension of the period for filing the attached reply and/or amendment to the date of filing this paper, and hereby authorize the Commissioner to change the extension fee as may be required by 37 CFR 1.17, to Deposit Account No. 21-0718. If for any

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reason the extension requested above is insufficient to extend this period to the date of this paper, applicant(s) hereby petition for the revival of the above-captioned application as having been unintentionally abandoned and authorize the Commissioner to charge the required fees under 37 CFR 1.17 to Deposit Account No. 21-0718.

Respectfully submitted,



Edward F. Rehberg, Attorney
Registration No. 34,703

Date: March 20, 2001

Pharmacia & Upjohn Company
Global Intellectual Property
301 Henrietta Street
Kalamazoo, Michigan 49001

Telephone No. (616) 833-7829 or (616) 833-9500
Telefax No. (616) 833-8897 or (616) 833-2316

Enclosures:

Reply/Amendment

Calculation of Additional Fees for Amended Claims

Sequence listing in paper and computer readable form